

REMARKS

Claims 1, 2, 4-15, 17 and 19-21 have been canceled. Claims 3, 16, and 18 have been amended. Thus, claims 3, 16, 18, 22 and 23 are pending in the application.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo (U.S. Pub. No. 2006/0154220) in view of Rosedale (U.S. Patent No. 7,117,136, Carnival Parties 5 yr (NPL) and Parulski et al. (U.S. Patent No. 5,595,389). Applicant traverses this rejection.

Claim 1 was amended to recite that the step of disposing the head of at least one celebrant includes limiting the movements of the at least one celebrant's head in lateral, longitudinal and vertical directions. Support for this amendment can be found in paragraph 9 of the application as published. Thus, no new matter was added.

The Applicants submit that the Carnival reference is not prior art to the application. Applicants have filed the Declarations of Janet Roston-Weiss and Michael McDonald concurrently herewith stating facts showing that Applicants reduced their invention to practice before the effective date of the Carnival reference, thus removing it as prior art. Because the Carnival reference only bears the date "July 2003", Applicants respectfully submit that the effective date of the Carnival reference is July 31, 2003. Accordingly, Applicants reduction to practice of at least July 16, 2003 predates the reference.

Since the Carnival reference is not prior art, none of the remaining references cited by the Examiner, taken alone or in combination as suggested, teach or even suggest the step of limiting the movements of the at least one celebrant's head in an opening in the lateral, longitudinal and vertical directions, as claimed in amended claim 1. Moreover, there is no disclosure in any of the references disclosing the step of providing a dance routine with music and providing at least one dancer with the dancer's head held in a substantially stationary disposition while the dancer dances the dance routine. Nor does any of the cited art disclose the step of providing a video of the dance routine with the music, showing the dancer's body but not the dancer's head and the movement of the dancer's body in synchronism with the music, nor is there any disclosure in any of the references of replacing the at least one celebrant's head in place of the at least one dancer's

heat at the position of the at least one dancer's head in the video of the dance routine to provide a video constituting a composite of the dancer's body and the at least one celebrant's head.

Further, the Examiner cites Rosedale as disclosing the step of holding a dancer's head in a fixed position. However, Rosedale teaches holding both head and body in a position using immobilization devices that include sensors to sense any movements that a person in the apparatus is trying to make. This is completely different from what is being claimed in claim 3. Further, one skilled in the art would not consider the teachings of Rosedale to be relevant as Rosedale's device is intended to use a person's attempted movements as input to a simulation. It is not intended to actually prevent movement of the person. Indeed, in order to function, there must be some movement of the person's head or body so that the attempted movement can be sensed by the sensors.

For all of the foregoing reasons, Applicants respectfully submit that claim 3 as amended is neither taught nor suggested by the cited art, and thus requests that the rejection be withdrawn and the claim allowed.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. in view of Rosedale and Corset (U.S. Pub. No. 2002/0007718). Applicants respectfully traverse this rejection.

Claim 16 has been amended such that the processing step includes limiting the lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during performance of the dance routine by the dancer's body. None of the references, taken alone or in combination teach or even suggest such a step of limiting the lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during the performance of the dance routine by the dancer's body, as is claimed in amended claim 16.

Moreover, none of the references discloses the step of providing a visual image and a synchronized audio recording on a medium capable of being duplicated, the video image and the audio recording on a medium capable of being duplicated, the video image and the audio recording being of a dancer providing a dance routine with the dancer's head in a substantially stationary disposition. There is also no disclosure in any of the references of the step of

removing the dancer's head from the video image. Parulski only discloses storing a picture of a persons head as a graphics file that is then used by a video game to generate a video image in the game. This is completely different from Applicants invention where a video image of a celebrant's head is substituted for a dancer's head from another video to form a composite video of the celebrant's head on the dancer's body. For all of these reasons, Applicants respectfully submit that claim 16 as amended is patentable over the prior art of record and request that the rejection be withdrawn and claim 16 allowed. Moreover, since claims 22 and 23 depend from claim 16, and thus include all of the limitations of claim 16, claims 22 and 23 are also patentable over the art and should be allowed.

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. in view of Rosedale and Corset. Applicants respectfully traverse this rejection.

Similarly to the amendment of claim 16, claim 18 as been amended so that the processing step includes limiting the lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during performance of the dance routine by the dancer's body. None of the references, taken alone or in combination teach or even suggest such a step of limiting the lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during the performance of the dance routine by the dancer's body, as is claimed in amended claim 18. Thus, as for claim 16, amended claim 18 is patentable over the art of record and Applicants request that the rejection be withdrawn and that claim 18 be allowed.

Reconsideration and allowance of the application are respectfully requested.

CONCLUSION

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicant requests that the Examiner contact Applicant's attorney, John Fitzgerald, at 310-242-2667.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

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Respectfully submitted,

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